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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/851,977	05/10/2001	Takahiro Koga	01USFP641-m.k.	4106

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WHITHAM, CURTIS & CHRISTOFFERSON, P.C.  
11491 SUNSET HILLS ROAD  
SUITE 340  
RESTON, VA 20190

EXAMINER

KRAMER, JAMES A

ART UNIT	PAPER NUMBER
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3627

DATE MAILED: 05/12/2005

Please find below and/or attached an Office communication concerning this application or proceeding.

<b>Office Action Summary</b>	<b>Application No.</b> 09/851,977	<b>Applicant(s)</b> KOGA, TAKAHIRO	
	<b>Examiner</b> James A. Kramer	<b>Art Unit</b> 3627	

**-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --**  
**Period for Reply**

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

**Status**

- 1) ☒ Responsive to communication(s) filed on 25 February 2005.  
 2a) ☒ This action is **FINAL**.                      2b) ☐ This action is non-final.  
 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

**Disposition of Claims**

- 4) ☒ Claim(s) 1-20 is/are pending in the application.  
     4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.  
 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.  
 6) ☒ Claim(s) 1-20 is/are rejected.  
 7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.  
 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

**Application Papers**

- 9) ☐ The specification is objected to by the Examiner.  
 10) ☐ The drawing(s) filed on \_\_\_\_\_ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.  
     Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
     Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).  
 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

**Priority under 35 U.S.C. § 119**

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).  
     a) ☐ All    b) ☐ Some \*    c) ☐ None of:  
         1. ☐ Certified copies of the priority documents have been received.  
         2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.  
         3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).  
     \* See the attached detailed Office action for a list of the certified copies not received.

**Attachment(s)**

- |  |   |
|--|---|
| 1) <input type="checkbox"/> Notice of References Cited (PTO-892)   | 4) <input type="checkbox"/> Interview Summary (PTO-413)<br>Paper No(s)/Mail Date. _____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948)                                   | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152)             |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)<br>Paper No(s)/Mail Date _____ | 6) <input type="checkbox"/> Other: _____  |

## **DETAILED ACTION**

### ***Claim Rejections - 35 USC § 103***

Claims 1-20 are rejected under 35 U.S.C. 103(a) as being unpatentable over Voyticky et al. in view of Admitted Prior Art.

Voyticky teaches an integrated television and internet information system. Specifically, Voyticky teaches that broadcast signals are distributed within a user's home in any conventional manner (column; 5 lines 32-34). Examiner notes that this represents broadcasting a program including an advertising program of articles from a broadcast system to a user terminal.

Voyticky then teaches the user selecting event information, transferring it to a home computer and the home computer establishing a connection with the central server via the Internet and sending the event information to the server (e.g. column 6; lines 16-21). Examiner notes that the central server represents Applicant's service system. In addition this teaching represents selecting on user terminal, a specific one of said articles (events) in which user has interest when user views advertisement on user terminal.

Voyticky further teaches once a connection has been established time stamp information, SDC table data and user information are encrypted and sent to the server via the Internet (column 13; lines 23-29). Also, customer information could include a customer code that optionally identifies each subscriber to the system and provides additional information about the subscriber (column 14; lines 20-27). Examiner notes that this represents informing selection to service system through a network with user ID, wherein customer data is registered in relation to user ID.

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Voyticky teaches that the product assortment can be presented to the user in any number of ways. For example, a set of windows can be used, with one window representing each product in the assortment. Alternatively, a still image or a video clip of the selected moment of the program may be displayed. Numerous other alternatives presentation approaches can be readily utilized (column 6; lines 55-62). Examiner notes that the presentation format represents Applicant's policy data. In addition, how a particular product manufacturer/advertiser wishes to have their product displayed represents that advertiser inputting policy data to the central server/service system.

Voyticky further teaches that the server selects the products that meet the criteria and presents the resulting assortment to the user (column 17; lines 57-59). Examiner notes that when the server presents just the products selected by the user, the server is preparing a private advertising page and presenting it to the user over the network.

Voyticky also teaches capturing in a product table information commonly used in computer-assisted marketing systems (column 17; lines 50-51). Examiner notes that this represents producing marketing data based on purchase of products.

Voyticky does not specifically teach advertising program being produced by an advertising agent in response to a demand transmitted by an advertiser from an advertiser system to an advertising agent system. Applicants admits in Figure 1 and on pages 1 and 2 of the specification that it is prior art for an advertiser to request an advertising agency to advertise articles and for the advertising agency to produce an advertisement program, then transmit the produced advertisement program to the broadcasting station and finally, request the broadcasting of the advertisement program.

It would have been obvious to a person of ordinary skill in the art at the time the invention was made to modify the system of Voyticky so that an advertiser requests an advertising agency to produce the advertisement program, then to transmit the produced advertisement program to the broadcasting station and finally, request the broadcasting of the advertisement program as taught by Applicant's admission. One of ordinary skill at the time of the invention would be motivated to combine the references as taught in order for an advertiser to leverage the skills and resources of an advertising agent when marketing a product.

***Response to Arguments***

Applicant's arguments filed 2/25/05 have been fully considered but they are not persuasive. Applicant asserts that the rejection of Claims 1-20 was in error because, among other things, neither Voyticky et al. nor admitted prior art suggests the use of a service system, an advertiser system or an advertising agent system as claimed by the invention.

Examiner respectfully disagrees.

First Examiner's rejection specifically points out that "the central server (of Voyticky et al.) represents Applicant's service system." Therefore Examiner asserts that Voyticky et al. does in fact teach a server system.

Further, Applicant admits as prior art, on page 13, lines 5-6, "an advertiser requests an advertising agency to advertise articles, and the advertising agency produces an advertisement program and transmits the produced advertisement program to the broadcasting station and requests the broadcasting of this advertisement program. The broadcasting station broadcasts the requested advertisement program to the user terminal through the satellite using the broadcasting

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station system.” However, Applicant asserts that this does not teach an advertiser system nor an advertising agent system.

Examiner respectfully disagrees. Examiner asserts that an advertiser system is necessarily used by the advertiser to request the advertising agency to advertise articles. Further, an advertising agent must use a system to produce an advertisement program and transmits the produced advertisement program to the broadcasting station and request the broadcasting of this advertisement program. Therefore the above admitted prior art clearly teaches and at the very least suggests an advertising agent system.

### ***Conclusion***

**THIS ACTION IS MADE FINAL.** Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire **THREE MONTHS** from the mailing date of this action. In the event a first reply is filed within **TWO MONTHS** of the mailing date of this final action and the advisory action is not mailed until after the end of the **THREE-MONTH** shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than **SIX MONTHS** from the mailing date of this final action.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to James A. Kramer whose telephone number is (571) 272 6783. The examiner can normally be reached on Monday - Friday (8AM - 5PM).


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If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Richard Chilcot can be reached on (571) 272 6777. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

James A. Kramer  
Examiner  
Art Unit 3627

jak

  
Richard Chilcot  
Supervisory Patent Examiner  
Technology Center 284  
